

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:16-cv-00337-RJC
(3:08-cr-00134-RJC-19)

JAIME SANDOVAL,)
Petitioner,)
v.) **ORDER**
UNITED STATES OF AMERICA,)
Respondent.)

THIS MATTER is before the Court on consideration of Respondent's motion to stay the disposition of Petitioner's § 2255 Motion to Vacate. (Doc. No. 3: Motion to Stay). Petitioner does not oppose the motion.

In his § 2255 Motion to Vacate, Petitioner challenges his conviction under 18 U.S.C. § 924(c), relying on the Supreme Court's decision in United States v. Johnson, 135 S. Ct. 2551 (2015), in which the Court struck down the residual clause of the Armed Career Criminal Act (ACCA), 18 U.S.C. § 924(e), after concluding that it violated due process because it was unconstitutionally vague.

Respondent cites as a reason to stay this proceeding the case of United States v. Ali, No. 15-4433 (4th Cir.) which is pending before the Fourth Circuit and considers whether the residual clause of 18 U.S.C. § 924(c) that defines a "crime of violence" is still constitutional following the Johnson decision.

Because resolution of the issues involved in the Ali case may have a bearing on the disposition of the issues in Petitioner's case, the Court will grant Respondent's motion.

IT IS, THEREFORE, ORDERED that Respondent's motion to stay is **GRANTED**,

(Doc. No. 3), and Respondent shall have 60-days from the date the Fourth Circuit renders a decision in the Ali case to file a response to Petitioner's § 2255 Motion to Vacate.

SO ORDERED.

Signed: December 19, 2016



Robert J. Conrad, Jr.
United States District Judge

